

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

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|---------------------------|---|--------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 08-03057-01-CR-S-DGK |
| |) | |
| Jerry Lee Gibson |) | |
| |) | |
| Defendant. |) | |

ORDER

Pending before the Court are the Defendant's Objections to the Magistrate Judge Report and Recommendation (Doc. #20), recommending that the Defendant's Motion to Dismiss be Denied, and the Defendant's Motion to Dismiss (Doc. #16). The Government filed a response to the Motion to Dismiss (Doc. #17), but did not file a response to Defendant's Objections. After a de novo review of the record, the Court adopts the Report and Recommendation. Defendant's Objections to the Report and Recommendation are OVERRULED, and the Motion to Dismiss is DENIED.

IT IS SO ORDERED

Date: November 6, 2008

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT